

# EXHIBIT 2



ATTORNEY GENERAL OF TEXAS

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November 22, 2013

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Jennifer L. Maranzano  
U.S. Department of Justice  
Voting Section—NWB  
950 Pennsylvania Ave, NW  
Washington, DC 20530  
(via e-mail)

**Re: Veasey v. Perry, No. 2:13-cv-00193 (S.D. Tex.)**

Dear Ms. Maranzano:

I write in response to your letter of November 12, 2013, to confirm our compliance with our duties as we understand and interpret the law. The State Defendants (1) have taken all steps necessary to preserve relevant evidence in their custody and control; (2) do not represent county election officials but do not consent to your contacting state legislators who opposed the passage of SB 14 without prior notice; and (3) submitted initial disclosures on November 21, 2013.

The State Defendants have undertaken reasonable efforts to comply with their preservation obligations as we understand them. During the pendency of the proceedings in *Texas v. Holder*, we sent notice to relevant state agencies and non-party custodians requesting the preservation of potentially relevant information. Specifically, we sent letters to the following offices: Governor, Lieutenant Governor, Speaker of the House of Representatives, Secretary of State, Texas Legislative Council, Senator Troy Fraser, and Representative Patricia Harless. For the purposes of preserving evidence in the *Veasey* case, we have confirmed that those same offices are preserving potentially relevant information. In addition, we have notified the Department of Public Safety of its obligation to preserve potentially relevant information, as it is a named party in the *Veasey* case. These notices cover all documents, including electronically stored information, concerning the passage and implementation of SB 14. These preservation efforts will remain in place during the pendency of this litigation and more than satisfy our preservation obligations.

To the extent your requests would have us go further, they are overly broad and not required by law. In particular, your letter seeks to impose a preservation obligation on Texas current and former state legislators (“state legislators”), who are neither parties to this litigation nor subject to our direction or control. To the extent you seek discovery from non-parties (including state legislators), the Federal Rules of Civil Procedure govern such requests. When faced with such requests in the past, state legislators have desired legal representation by this office. Thus, we request that you provide us with adequate notice before approaching individual state legislators so that they may properly be advised of their right to representation and the

scope of their legislative privilege. Of course, as we have done in the past, we will facilitate discovery of consenting non-parties in an effort to make the discovery process run efficiently.

In sum, the State Defendants have sent notice to relevant custodians, identified the sources of potentially relevant information related to Plaintiffs' claims, and taken reasonable steps to ensure such information is preserved. Please also know that taking the steps you suggest entails costs, both in manpower and equipment, some of which may require cost sharing or cost shifting.

Sincerely,

John B. Scott  
Deputy Attorney General  
for Civil Litigation

cc: All counsel of record (via e-mail)